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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,942	01/03/2002	Alain M. Sagnard	61301A	7761

109 7590 10/05/2004

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P. O. BOX 1967
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EXAMINER

RHEE, JANE J

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,942

Applicant(s)

SAGNARD ET AL.

Examiner

Jane Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Repeated

1. The 35 U.S.C. 103(a) rejection of claims 1-12,15,21,22 over Grinshpun et al. has been repeated for the reason previously made in paper 4/13/2004.
2. The 35 U.S.C. 103(a) rejection of claims 16-20 over Grinshpun et al. in view of Malone has been repeated for the reasons previously made paper 4/13/2004.

Response to Arguments

3. Applicant's arguments filed 7/12/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the panel disclosed by Grinshpun does not fit within a single cavity, first of all, applicant used an open language limitation 'comprising' in the claim wherein other structural limitations are permitted to be within the scope of the claim, therefore, the other cavities that Grinshpun disclosed reads upon the claim limitations. Secondly, Grinshpun does disclose that the panel fits fully within a cavity defined by cavity walls. Grinshpun discloses a frame wherein the frame comprises many cavities (col. 3 lines 1-5) and within the cavities is a panel with two panel domains (figure 6 number 63 and 60) that fits fully within a cavity defined by cavity wall. The frame disclosed by Grinshpun is the cavity wherein the panel with two panel domains fits fully within wherein the frame is defined by cavity walls.

In response to applicant's argument that a domain in figure 6 number 60 do not extend from a primary face to an opposing face, the primary face is top of

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number 60 and the opposing face is the bottom of number 60 therefore the domain of number 60 extends from a primary face to an opposing face.

Applicant admits that the domain 52 in figure 5 extends from one primary face to an opposing face however does not acknowledge that the domain 60 in figure 6 extends from one primary face to an opposing face. Domain 52 of figure 5 and domain 60 in figure 6 is the same domain. Therefore, the domain 60 does extend from a primary face to an opposing face.

In response to applicant's argument that Grinshpun et al. fail to disclose that the at least one panel domain is a conformable panel domain that allows the panel to reversibly bend from a planar to a non planer configuration, applicant claimed that "at least one panel domain is a conformable panel domain that *allows* the panel to reversibly bend from a planar to a non planer configuration" meaning that the panel domain only has to be capable to reversibly bend from a planar to a non planar configuration and not be bent in a non planer configuration. Grinshpun et al. discloses two panel domains, number 60 the rigid foam and number 61 the compressible and resilient foam (col. 4 lines 65-66). The compressible and resilient foam by definition allows the panel to reversibly bend or bend in any direction from a planar to a non planar or any other configuration. Therefore, Grinshpun et al. discloses at least one panel domain is a conformable panel domain that allows the panel to reversibly bend from a planar to a non planer configuration (col. 4 lines 65-66).

In response to applicant's argument Grinshpun fail to disclose that when the compressible domain is compressed it reduces at least one dimension of the

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panel, Grinshpun discloses in figure 3a that rigid foam is 31 and the compressible foam is 32,33, therefore if the compressible foam is compressed then the height of the foam is reduced. Grinshpun discloses in figure 6 number 60 is the rigid foam and number 61 and 66 are the compressible foam, therefore if the compressible foam is compressed then the width of the foam is reduced. Thus, Grinshpun discloses that when the compressible domain is compressed it reduces at least one dimension of the panel.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is rendered obvious over the prior art of record discussed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee
September 22, 2004


NASSER AHMAD
PRIMARY EXAMINER
10/01/04